

Dear Jim,

5/13/85

DJ's Supplemental Memo misrepresents relating to you and I think that while he'll be unwilling you ought try to get Hitchcock to nail them on these persisting misrepresentations. I've indicated a few points in the memo in my enclosed letter to Mark Lynch.

Their departures from truth are essential to any kind of case against you and it is not possible to really defend you unless they are exposed thoroughly and in detail, however much the so-called conventional wisdom dictates brevity.

If he doesn't you'll have your ass in a sling and before long they'll have their asses in their personal slings, too.

They have been forced to resort to their own earlier departures from fact and truth and that makes addressing them pertinent all over again. Their repeated misrepresentations of my affidavits gives them added point and one or two detail exactly what transpired between us if the transcript of what was said in court does not, and they restrict themselves to that.

They even refer to going up on appeal as obstruction and violation of your responsibilities and as subjecting you to sanctions. Stanton again! You made a mistake not to press him on using that decision, he made one in not using it without being leaned on, and I think it is still necessary. With no possibility of hurt from use.

But even without Stanton, what kind of lawyer is silent when a legitimate appeal is held to be actionable obstruction?

I am more worried for you than for myself. You have a lawyer who, without ever meeting or speaking to me, wanted to defend you by trying me for the official evil-doers instead of going after them. The kind of thing he ultimately filed is not going to do you much good if he takes the same road. I presume that when you met him last week he discussed what he has in mind. I've not heard from you or from Lynch after he deposed Whittaker. I am convinced that both lawyers ought take the offensive, as they properly can and politically must, and then ought go public on the great danger to all plaintiffs and lawyers in this potential precedent. I believe that less sterile practitioners will see what I see and will be heard, particularly if the whipsaw with Stanton is not again ignored.

He may be reluctant, based on his academic concepts of the practice of law, but I think it also is essential that he urge the "new evidence" for you, to show that in order to get even with you for pressing the case against them they resorted to dishonesty with regard to alleged discovery with the three examples I use in the letter to Lynch.

You never really learned how to fight for others. I think you'd be well advised to learn how to fight for yourself and that immediately.

Good luck!

